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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN B. TURNER,  
Plaintiff,

No. C 12-6231 MMC

v.


**ORDER VACATING MAY 17, 2013  
HEARING ON MOTION**

DUSTIN TIERNEY,  
Defendant.

Before the Court is defendant Dustin Tierney's "Motion to Dismiss First Amended Complaint," filed April 5, 2013. Plaintiff has filed opposition to which defendant has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matters suitable for decision thereon, and hereby VACATES the hearing scheduled for May 17, 2013.

**IT IS SO ORDERED.**

Dated: May 13, 2013

  
MAXINE M. CHESNEY  
United States District Judge